

Daniel Testerman 04919-087
Federal Correctional Institution
FCI Ashland
P.O. Box 6001
Ashland, KY 41105
1:09-cv-74 [4] 1:05-cr-4 [116]

February 23, 2010

FILED

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**U.S. DISTRICT COURT
CLARKSBURG, WV 26301**

United States District Court For The
Northern District Of West Virginia
500 West Pike Street, Room 301
P.O. Box 2857
Clarksburg, WV 26302-2857

Dear Judge Seibert,

In response to the Report and Recommendation that my 2255 motion be denied, I kindly request that you reconsider based on the evidence and explanation given in this response. I have enclosed documents explaining how the ¹ totality of the evidence used against me is rendered useless. I have obtained the help of my brother, who is an ²A+ Certified Professional, to gather the needed documents and help explain how Trojan horses can compromise a computer and result in situations where the computer is under the complete control of someone else unknown regardless of whose name the computer is in, who's name the programs are in, or what directory files are stored in.

Enclosed is a copy of my brothers A+ Certification which qualifies him to speak regarding security risks on computers and computers in general. Also enclosed are statements from ³Symantec and ⁴McAfee, worldwide organizations that specialize in antivirus software, for your review and consideration. I pray that you reconsider the decision to deny the 2255 motion and grant an evidentiary hearing. If a virus scan is done and Trojan horse malware is found then this could raise reasonable doubt as to my guilt. It is not my intention to waste the courts time but only to prove that I did not commit this heinous crime I have been wrongfully convicted of.

Sincerely,

Daniel Testerman 04919-087

¹ Initial downloading of the file sharing software, choice of usernames, files where images were stored.

² CompTIA is the IT industry's largest developer of vendor-neutral IT certification exams. Our certifications are recognized worldwide as a trusted indicator of qualified and competent professionals in the IT industry. Since establishing our certification program in 1993, more than 1 million people have earned a CompTIA certification. Copy of Jonathan Black's certification is enclosed.

³ <http://www.symantec.com>

⁴ <http://www.mcafee.com>